Appendix C

Compliance with each pertinent Term and Condition listed above.

1. To implement reasonable and prudent measure #1, the BLM shall:

a. Identify which specific stream reaches within or adjacent to the BLM portions of range allotments covered by this Opinion currently provide suitable spawning habitat for MCR steelhead.

b. Determine timeframes (from BLM data files, ODFW, or other sources) during which MCR steelhead could be expected to utilize those stream reaches for spawning and during which eggs and pre-emergent fry would be expected to be present in the stream gravels.

c. Prioritize the sensitivity of those stream reaches to grazing impacts based on Rosgen's stream channel types and the quantity, quality, and concentration of MCR steelhead spawning habitat within each stream reach.

d. Provide this prioritized list of stream reaches in a report that addresses at least 40% of the affected streams to the Level I Interagency Streamlining Consultation Team (on which NOAA Fisheries is represented) at least 120 days prior to the 2004 turnout date for allotments covered by this Opinion, with the remainder being provided 120 days prior to 2005 turnout.

e. Based on this prioritized list, the Level I Team for the Prineville BLM Central Oregon Resource Area shall determine on which of those stream reaches it is necessary to eliminate access by livestock, during those times when eggs or pre-emergent fry would be expected to be present in the gravel. Access would be eliminated by installing and maintaining temporary electric fencing during the grazing season, permanent fencing, redesigning pasture layout, or changing grazing rotations along those key stream reaches which currently provide the important MCR steelhead spawning habitat. These actions will be implemented for the following grazing season, after the monitoring report is received.

Watershed	Allotment	Pasture	ESA	Channel Type	BLM Stream Miles	Habitat Quality	Habitat Type	Time Frames	Rank	Season of Use
Little Ferry Canyon	Belshe	Little Ferry	LAA	B	0.8	Poor	Spawning and Rearing	2/15-6/15	6	3/1-5/1
Little Ferry Canyon	Belshe	Dan's	NE	B	0.45	N/A	N/A	N/A	N/A	3/1-7/15
Little Ferry Canyon	Belshe	80	NE	N/A	0.0	N/A	N/A	N/A	N/A	4/1-6/15
Little Ferry Canyon	Belshe	Homestead	NE	B	0.0	N/A	N/A	N/A	N/A	4/1/-6/15
Pine Hollow	Pine Creek	Zigzag	NLAA	B	0.5	Fair	Migratory	2/15-4/15	N/A	3/1-2/28
Pine Hollow	Pine Creek	North Pole	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Pine Hollow	Pine Creek	Porter Canyon	LAA	B	0.25	Fair	Spawning and Rearing	2/15-6/15	4	3/1-2/28
Pine Hollow	Pine Creek	Cramer Canyon	LAA	B	1.0	Fair	Spawning and Rearing	2/15-6/15	3	3/1-2/28
Pine Hollow	Pine Creek	Bath Canyon	LAA	B	1.5	Fair	Spawning and Rearing	2/15-6/15	2	3/1-2/28
Pine Hollow	Pine Creek	Big Gulch River	NE	C	1.0	Fair	Migratory	11/1-2/15	N/A	Nonuse 2004-2007
Pine Hollow	Pine Creek	Big Gulch	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Pine Hollow	Pine Creek	Burned Out Canyon	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Pine Hollow	Pine Creek	North Guyton	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Pine Hollow	Pine Creek	South Guyton	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Jackknife Canyon	Eakin	Jackknife	LAA	B	2.0	Poor	Spawning and Rearing	2/15-6/15	7	4/1-5/1
Jackknife Canyon	Eakin	Rutledge	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Jackknife Canyon	Eakin	Private	NE	N/A	0.0	N/A	N/A	N/A	N/A	3/1-2/28
Hay Creek	Sixmile	Sixmile	NLAA	B	1.0	N/A	N/A	N/A	N/A	12/1-5/1
Hay Creek	Sixmile	Hay Creek	LAA	B	2.0	Fair	Spawning	2/15-6/15	5	12/1-5/1

							and Rearing			
Bologna Creek	C.H. Hill	Northside	NE	N/A	0.0	N/A	N/A	N/A	N/A	6/1-7/15
Bologna Creek	C.H. Hill	South	NE	N/A	0.0	N/A	N/A	N/A	N/A	7/16-8/30
Bologna Creek	C.H. Hill	Bologna Creek	LAA	B	0.25	Poor	Spawning and Rearing	2/15-6/15	8	4/1-5/31
Jackknife Canyon	Elsie Martin	Elsie Martin	NLAA	B	1.0	N/A	N/A	N/A	N/A	5/1-10/15
Hay Creek	Hay Creek	North	NE	B	0.25	Good	Spawning and Rearing	2/15-6/15	N/A	11/15-4/1
Hay Creek	Hay Creek	Narrow	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Hay Creek	Exclusion	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Hay Creek	Irrigated Fields	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Hay Creek	Ag Field	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Hay Creek	West	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Hay Creek	Spring Hollow	NE	N/A	0.0	N/A	N/A	N/A	N/A	11/15-4/1
Hay Creek	Pryor Farms	North	LAA	B	0.75	Poor	Spawning and Rearing	2/15-6/15	9	4/1-11/4
Hay Creek	Pryor Farms	South	NE	N/A	0.0	N/A	N/A	N/A	N/A	4/1-11/4
Bear Creek	Crown Rock	Crown Rock	NE	N/A	0.0	N/A	N/A	N/A	N/A	4/1-4/30
Bear Creek	Crown Rock	Bear Creek	LAA	B	2.0	Good/Poor	Spawning and Rearing	2/15-6/15	1	4/1-4/30
Bear Creek	Crown Rock	Willow Spring	NE	N/A	0.0	N/A	N/A	N/A	N/A	4/1-4/30
Bologna Creek	West Bologna Creek	West Bologna	NLAA	B	0.25	Fair	Spawning and Rearing	2/15-6/15	N/A	9/10-9/15

f. Maintain and ensure proper operation of all exclosure structures, such as fences, designed to protect MCR steelhead spawning and rearing.

None of the allotments described in this Opinion include exclosure structures designed to protect MCR steelhead spawning and rearing – so this Term and Condition does not apply.

g. When unauthorized livestock use or excess by permitted livestock occurs within stream reaches identified as MCR steelhead spawning habitat prior to July 15, the permittee will be notified to remove the livestock immediately. BLM shall also notify NOAA Fisheries within 24 hours. Livestock shall be removed within two days of notification. If take has occurred, NOAA Fisheries Law Enforcement shall also be notified by BLM within 24 hours of discovery.

No unauthorized use was reported in 2002 or 2003; therefore NOAA Fisheries was not notified of any.

2. To implement reasonable and prudent measure #2, the BLM shall:

a. Consistently implement grazing-related standards and guidelines listed in PACFISH and not retard the attainment of Riparian Management Objectives regarding bank stability, water temperature, large woody material, lower bank angle, and width/depth ratio; as well as other aquatic habitat parameters which may be effected by livestock grazing.

These guidelines are continuing to be implemented on all allotments described in this Opinion.

b. Meet all requirements of and fully implement the 2000 Grazing Monitoring Module with the 2002 modifications. Reassess when to use the Group 4 monitoring exemption.

The Prineville BLM has reassessed the Group 4 exemption with regard to these allotments and has implemented the Monitoring Module accordingly.

c. Meet implementation and effectiveness monitoring requirements developed by the Level I Team for specific pasture units.

All implementation and effectiveness monitoring requirements have been met for these allotments.

d. Based on information in the BA, for those allotments on which such information was available, actual use has consistently exceeded authorized use on the C.H. Hill (2552), Squaw Creek (2558), Johnson Creek (2662), and Cottonwood Creek (4076) allotments. The BLM shall assess how these violations of the Allotment Management Plans affect MCR steelhead. Report to NOAA Fisheries by December 2002, what actions are taken by the BLM to address these violations. If violations continue and degradation of habitat results, The BLM shall take actions to restrict use to include the possibility of withdrawing the grazing permit.

e. Update information on riparian vegetative conditions along streams in the Squaw Creek (2558), Clark (2645), Johnson Creek (2662), Dixie (4016), Murderers Creek (4020), Creek (4163), Cottonwood Creek (4076), Johnny Cake Mountain (4042), North Fork (4029), Rockpile (4103), Pryor Farms (2607), Belshe (2509), and C.H. Hill (2552) allotments, and submit updated information to NOAA Fisheries by December 2002.

Updated information is included under each allotment in Appendix A.

f. Establish photopoints and riparian vegetation trend areas along steams in the Little Wall Creek (4108) and Pryor Farms (2607) allotments to determine existing riparian conditions. Provide a report on these sites established by December 2002 and report to NOAA Fisheries on results of the information obtained. According to the BA, no information is currently available.

Updated information is included under each allotment in Appendix A.

g. Address sedimentation and erosion problems where they occur on BLM-administered lands along Little Pine Creek on the Pointer (4056) and Canyon Mountain (4115) allotments by restricting access to sensitive areas as soon as the are identified.

These allotments are being addressed in a separate Biological Assessment – however, when reviewed grazing was not found to be a contributing factors in sedimentation issues on Little Pine Creek; instead the proliferation of roads and associated erosion are the culprit.

h. Provide an end-of-year grazing tour with NOAA Fisheries. The tour's purpose is to review successes and failures of the current year's grazing activities, and develop recommendations for future activities. A summary of the grazing tour will be provided in the end-of-year report.

In February of 2003, representatives of the Level 1 Team conducted an end-of-season/beginning-of-season tour in the Hay Creek watershed. That tour included stops and discussion of three separate grazing allotments. Recovery of riparian vegetation was found in all allotments. The results of that tour are included in Appendix A.

i. Provide an end-of-year report on grazing in allotments which contain MCR steelhead habitat or which may affect downstream steelhead habitat to NOAA Fisheries by December 1 of each year.

Information in this appendix of the Biological Assessment constitutes the end-of-year report.